

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ALGONQUIN GAS TRANSMISSION, LLC,)	
)	
Plaintiff,)	
)	
v.)	No. 15-cv-12870-WGY
)	
APPROXIMATELY 161,949 CUBIC FEET and)	
APPROXIMATELY 8,248 LINEAR FEET OF)	
PERMANENT EASEMENT AREA, and)	
APPROXIMATELY 489,291 SQUARE FEET OF)	
TEMPORARY EASEMENT AREA IN THE CITY)	
OF BOSTON, MASSACHUSETTS, THE BOSTON)	
PUBLIC IMPROVEMENT COMMISSION, and)	
THE CITY OF BOSTON, MASSACHUSETTS,)	
)	
Defendants.)	

AMENDED NOTICE OF CONDEMNATION ACTION

To: City of Boston
Boston City Hall
One City Hall Square
Boston, Massachusetts

Pursuant to Fed.R.Civ.P. 71.1(d)(1)-(2), Algonquin Gas Transmission, LLC (“Algonquin”) hereby notifies the Boston Public Improvement Commission (“PIC”) that it has commenced the above-captioned condemnation action under the power of eminent domain vested in Algonquin by the Natural Gas Act, 15 U.S.C. § 717f(h).

On July 6, 2014, Algonquin filed an Amended Condemnation Complaint in this action and that is the reason for this Amended Notice of Condemnation Action.

Algonquin is a natural gas company as that term is defined in Section 2(6) of the Natural Gas Act (“NGA”), 15 U.S.C. § 717a(6), and is subject to the exclusive jurisdiction of the Federal Energy Regulatory Commission (“FERC”). On March 3, 2015, FERC issued a Certificate of Public

Convenience and Necessity (“Certificate”) to Algonquin authorizing Algonquin to construct and operate a natural gas pipeline and related facilities known as the Algonquin Incremental Market Project (the “AIM Project”). As part of the AIM Project, Algonquin will install approximately 4.1 miles of 16-inch diameter pipeline and approximately 0.8 miles of 24-inch diameter pipeline in the Towns of Westwood and Dedham and the West Roxbury section of the City of Boston. To complete construction of the AIM Project in accordance with the Certificate and along the approved alignment, Algonquin must acquire permanent and temporary easements in Washington Street, Grove Street, and Centre Street in West Roxbury (“West Roxbury Streets”). The PIC owns the West Roxbury Streets.

A. Washington Street

The permanent easement in which the pipeline will be installed in Washington Street will consist of a cylindrical area that is five (5) feet in diameter, will be approximately three to five feet below the surface, will be approximately 1,929 linear feet in length, and will occupy approximately 37,876 cubic feet. The temporary workspace easement in Washington Street will occupy approximately 144,792 square feet. The approximate boundaries of the permanent and temporary easements in Washington Street are depicted on Drawing Nos. LD-P-8183 - 8186. Copies of those Drawings are attached to the Amended Condemnation Complaint as Exhibit A.

B. Grove Street

The permanent easement in which the pipeline will be installed in Grove Street will consist of a cylindrical area that is five (5) feet in diameter, will be approximately three to five feet below the surface, will be approximately 2,677 linear feet in length, and will occupy approximately 52,563

cubic feet. The temporary workspace easement in Grove Street will occupy approximately 156,464 square feet. The approximate boundaries of the permanent and temporary easements in Grove Street are depicted on Drawing Nos. LD-P-8187 – 8192. Copies of those Drawings are attached to the Amended Condemnation Complaint as Exhibit B.

C. Centre Street

The permanent easement in which the pipeline will be installed in Centre Street will consist of a cylindrical area that is five (5) feet in diameter, will be approximately three to five feet below the surface, will be approximately 3,642 linear feet in length, and will occupy approximately 71,510 cubic feet. The temporary workspace easement in Centre Street will occupy approximately 181,035 square feet. The approximate boundaries of the permanent and temporary easements in Centre Street are depicted on Drawing Nos. LD-P-8193 - 8199. Copies of those Drawings are attached to the Amended Condemnation Complaint as Exhibit C.

D. Total Easement Areas

The approximate aggregate areas of the easements in the three streets are as follows:

- a. Permanent Easement – 161,949 cubic feet and 8,248 linear feet; and
- b. Temporary Easement – 482,291 square feet.

Algonquin has been unable to purchase those easements. Therefore, Algonquin, pursuant to the power of eminent domain vested in it by the NGA, 15 U.S.C. § 717f(h), has filed this action to condemn the easements and to have the Court ascertain the just compensation that must be paid for the easements.

PLEASE TAKE NOTICE that you may serve upon the attorney for Algonquin, whose name, office, telephone number, and e-mail address is set forth below, an answer within twenty-one (21) days after service upon you of this Amended Notice. Please note that that your failure to serve such an answer constitutes a consent to the taking referenced herein and the authority of the Court to hear the action and to fix compensation. Instead of an answer, you may file a notice of appearance.

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Dated: July 6, 2015